

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of N.M.R., Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

CALVIN RAINEY,

Respondent-Appellant.

UNPUBLISHED

April 15, 2004

No. 249588

Wayne Circuit Court

Family Division

LC No. 01-404114

Before: Cavanagh, P.J., and Murphy and Smolenski, JJ.

MEMORANDUM.

Respondent appeals as of right from the trial court order terminating his parental rights to the minor child under MCL 712A.19b(3)(a)(ii), (c)(i), (g), (h), and (j). We affirm. This case is being decided without oral argument pursuant to MCR 7.214(E).

When advised of the proceedings involving the child, respondent was incarcerated in Illinois and serving two consecutive sentences for possession of a controlled substance. Respondent expressed a desire to plan for the child and executed a parent-agency agreement and an affidavit of parentage establishing paternity over the child. He also proposed a cousin to care for the child until his release from prison. Respondent testified that the child had lived with him after her birth in July 1999 but that, in 2000, the child's mother came to his home with the police and took the child with her to Detroit. After that, respondent did not know where the child and her mother had gone though he had asked a relative of the mother living in Chicago if she knew where they resided. Respondent indicated he would be willing to take any courses required by the court while he was serving his sentences. But a memo from the Illinois correctional facility where respondent was incarcerated was produced at trial, indicating that respondent had not participated in any courses offered by the correctional facility or placed his name on a wait-list indicating an interest in participating in courses that would comply with his parent-agency agreement. The court concluded that the evidence supported termination of respondent's parental rights under § § 19b(3)(a)(ii), (c)(i), (g), (h), and (j).

On appeal, respondent argues that the court erred in terminating his parental rights under §§ 19b(3)(a)(ii) and (g), but fails to challenge the termination of his parental rights under §§ 19b(3)(c)(i), (h), or (j), thus abandoning any challenge on these grounds. Only one statutory

basis is necessary to terminate parental rights. *In re SD*, 236 Mich App 240, 247-248; 599 NW2d 772 (1999); *In re McIntyre*, 192 Mich App 47, 50; 480 NW2d 293 (1991). Respondent's failure to challenge the other grounds cited by the trial court in support of termination of his parental rights renders his appeal moot. Even if considered, the trial court did not clearly err when it terminated respondent's parental rights under §§ 19b(3)(a)(ii), (c)(i), (g), or (j) where clear and convincing evidence supported termination under each of these grounds. MCR 3.977(G)(3); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Though the trial court did clearly err when it terminated respondent's parental rights under § 19b(3)(h), this error was harmless in light of the other grounds justifying termination. See *In re Powers*, 244 Mich App 111, 118; 624 NW2d 472 (2000).

Further, the evidence did not show that termination of respondent's parental rights was clearly not in the child's best interests. See MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000).

Affirmed.

/s/ Mark J. Cavanagh
/s/ William B. Murphy
/s/ Michael R. Smolenski